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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RYAN ROSS MCKENDRY-VERHUNCE,
Plaintiff,
v.
RPD OFFICER STEVE WOZNIAK, *et. al.*,
Defendants.

Case No. 3:22-CV-00524-ART-CLB

AMENDED SCREENING ORDER

On August 2, 2023, the Court screened Plaintiff Ryan Ross McKendry-Verhunce's ("McKendry-Verhunce") *pro se* civil rights complaint, (ECF No. 1-1), and determined that this case could proceed on a single excessive force claim against Defendants RPD Officers Steve Wozniak ("Wozniak") and Nick Griebel ("Griebel") (collectively referred to as "Defendants") pursuant to the Fourteenth Amendment. (ECF No. 9.) However, as this case arises from allegations of excessive force that took place during McKendry-Verhunce's arrest, the excessive force claim cannot proceed pursuant to the Fourteenth Amendment, which applies only to excessive force allegations that arise during a plaintiff's pretrial detention. *See Kingsley v. Hendrickson*, 576 U.S. 389, 396-97 (2015). Rather, a claim related to excessive force that occurs during an arrest must proceed pursuant to the Fourth Amendment. *See Graham v. Connor*, 490 U.S. 386, 388 (1989). Therefore, the Screening Order, (ECF No. 9), is amended to reflect that McKendry-Verhunce's single excessive force claim will proceed against Defendants pursuant to the Fourth Amendment. All other aspects of the Screening Order, (ECF No. 9), remain the same and are unchanged by this order.

IT IS SO ORDERED.

DATED: October 4, 2023.


UNITED STATES MAGISTRATE JUDGE